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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,852	09/10/2001	Knud Villefrance Rasmussen	110517	4270

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Oliff & Berridge
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Alexandria, VA 22320

EXAMINER	
PURVIS, SUE A	
ART UNIT	PAPER NUMBER
1734	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,852

Applicant(s)

RASMUSSEN, KNUD
VILLEFRANCE

Examiner

Sue A. Purvis

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Wersch et al. (US Patent No. 4,442,560).

van Wersch discloses a machine for dyeing textiles. The machine includes a center roll (1), a pressure roll (11) (one of which abuts and as such would exert pressure on the center roll, see Figure 1 which is shown below), a tension roll (11), a reversing roll (11), and an endless belt (8). The pressure roll (11) abuts the center roll (1) on one side and the belt (8) is guided around the periphery of the pressure roller (11). The pressure exerted by the pressure roll (11) is adjustable by adjustment of the tension in the belt (8) by means of the tension roll (11). (See Figure 1.)

van Wersch does not state elaborate on the belt's width.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the width of the belt substantially match that of the pressure roller, because such a feature is within the purview of one of ordinary skill in the art. In particular, to keep the machine a size and shape which allows for easy transfer of dye from one surface to another.

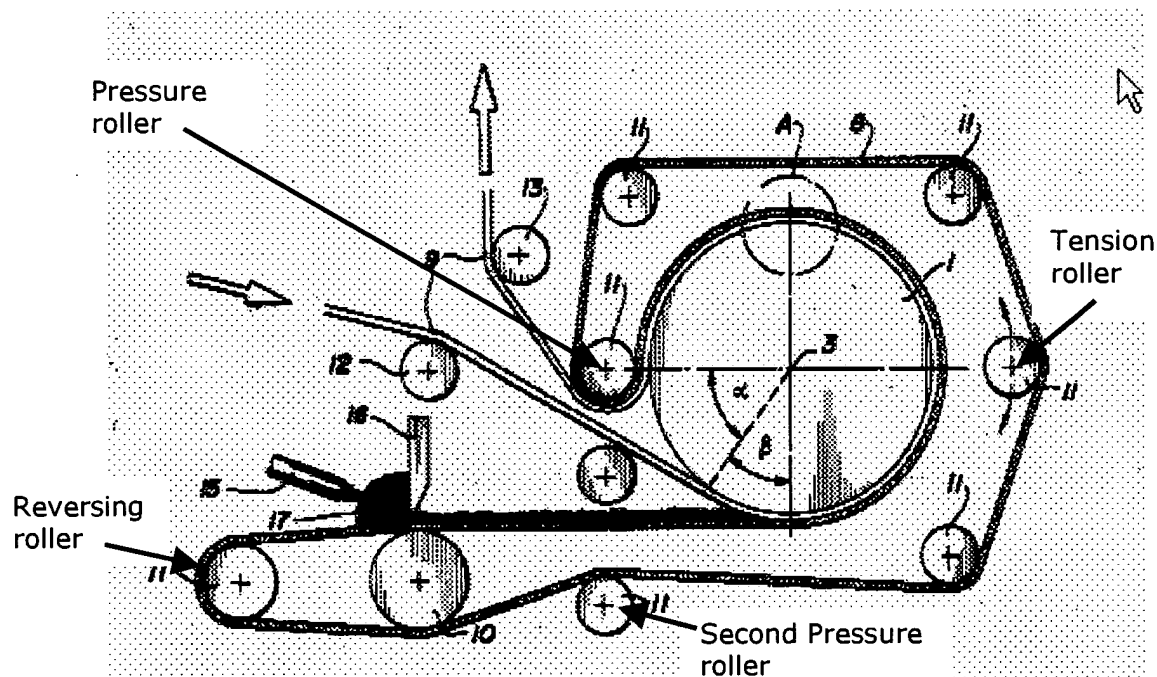
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Regarding claim 2, the belt (8) in van Wersch is guided around a substantial portion of the periphery of the center roller (1).

Regarding claim 3, van Wersch is silent as to whether the belt is waterproof, it is well known in the art that conveyor belts used in dye transfer machines are non-stretchable and waterproof.

Regarding claim 5, van Wersch shows a second pressure roller (11). It should be noted that applicant's claim does not require the second pressure roller to abut the center roller.

Regarding claims 6 and 8, all rollers have a convex surface.



3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over van Wersch as applied to claim 1 above, and further in view of Gorondy (US Patent No. 4,420,307).

van Wersch does not disclose that the belt is made from an aramide-fibre reinforced blanket.

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Gorondy disclose print transfer processes using a belt made from an aramide-fibre reinforced blanket.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a belt made of aramide-fibres in van Wersch, because as shown in Gorondy, such a belt is well known in the art.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over van Wersch as applied to claim 1 above, and further in view of Eum (US Patent No. 5,953,573).

It is unclear from van Wersch which roller is the driving roller. Arguably it could be the roller indicated above as the reversing roller. Whatever the case, it is within the purview of one of ordinary skill in the art to have the driving roller act as the reversing roller. This is shown in Eum.

Response to Arguments

5. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new grounds of rejection. Furthermore, Applicant is reminded that claims directed to apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959).

"[A]pparatus claims cover what a device *is*, not what a device *does*." (Emphasis in original) *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (MPEP §2114).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Purvis whose telephone number is (571) 272-1236. The examiner can normally be reached on Monday through Friday 9am to 6pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A. Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sue A. Purvis
Primary Examiner
Art Unit 1734

SP
Friday, April 01, 2005